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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,348	01/05/2001	Jesse L. Parent	1353 P	3970

21552 7590 01/06/2005

MADSON & METCALF  
GATEWAY TOWER WEST  
SUITE 900  
15 WEST SOUTH TEMPLE  
SALT LAKE CITY, UT 84101

EXAMINER
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PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/755,348	PARENT, JESSE L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aaron C Perez-Daple	2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Amendment filed 8/25/04, which has been fully considered.
2. Amended claims 1-9 and original claims 10-18 have been presented for examination.
3. This Action is Final.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2, 5, 7, 9-12, 15 and 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Gaw et al. (WO 98/53581) (hereinafter Gaw).
6. As for claims 1 and 10, Gaw discloses a web server for facilitating communications with a plurality of embedded devices through a gateway (Fig. 2), the web server comprising:  
  
web pages, the web pages being downloadable by web clients and being usable by the web clients; an HTTP server for serving the web pages to the web clients (HTML pages 34a-c, Fig. 2);  
  
a plurality of user interface components (applets 36 a-c, Fig. 2), the user interface components being downloadable by the web clients and being usable by the web clients to present user interface elements that relate to the embedded devices, the user interface elements being capable of causing communication with the embedded devices (pg. 8, line 25 - pg. 9, line 1, "Client workstations...via the Web.");

a gateway communications module (GCP/Control Data Translation 44, Fig. 2) for communicating with the gateway (Control Data Interface 46, Fig. 2), wherein the gateway is in electronic communication with the embedded devices, and wherein the gateway is programmed to communicate with the embedded devices, wherein the user interface elements initiate instructions included in the gateway communications module to communicate with the embedded devices (pg. 10, lines 2-31, "Each applet 36a-c...direct I/O points."; Fig. 2); and

the HTTP server operating to send the user interface components to the web clients, the web clients receiving and processing the user interface components to present the user interface elements, wherein communication with the embedded devices is initiated through use of the user interface elements by the user interface elements sending data to the HTTP server, the HTTP server sending the data to the gateway communications module, and the gateway communications module communicating with the gateway that communicates with the embedded devices (pg. 10, lines 2-31, "Each applet 36a-c...direct I/O points."; server 12, Fig. 2).

7. As for claim 11, Gaw discloses the web server as defined in claim 10 wherein the user interface components comprise instructions written in a markup language (HTML pages 34a-c, Fig. 2).
8. As for claims 2 and 12, Gaw discloses the web server as defined in claims 1 and 11 wherein the markup language is HTML (HTML pages 34a-c, Fig. 2).
9. As for claims 5 and 15, Gaw discloses the web server as defined in claims 1 and 11 wherein the user interface components further include an applet (applets 36a-c, Fig. 2).

Art Unit: 2154

10. As for claim 7, Gaw discloses the web server as defined in claim 1 further comprising a plurality of user interface components (applets 36a-c, Fig. 2; pg. 8, line 25 - pg. 9, line 1, "Client workstations...via the Web.").
11. As for claims 9 and 18, Gaw discloses the web server as defined in claims 1 and 11 wherein the gateway communications module comprises a script (pg. 10, lines 2-31, "Each applet 36a-c...direct I/O points."; scripts are inherent for performing the disclosed server/gateway functions).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 3, 4, 8, 13, 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw in view of Lee et al. (US 6,336,137 B1) (hereinafter Lee).
14. As for claims 3, 4, 13 and 14, Gaw does not specifically disclose the use of HDML nor WML. Lee teaches the use HDML and WML in a client-server architecture similar to that of claims 1 and 11 for the purpose of allowing communication with a handheld or wireless device. See col. 3, lines 29-39, "The WAP application...transmission efficiency." It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gaw by using HDML or WML, as taught by Lee, because this would allow for wireless communication with the devices.

Art Unit: 2154

15. As for claims 8 and 17, although arguably inherent to Gaw, Gaw does not specifically disclose the use of servlets with the gateway communications module. Lee teaches the use of servlets with a gateway communications module. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gaw by using a servlet in the gateway communications module, because this would allow for making user agent information available to a web application service, as taught by Lee (col. 13, lines 13-24, "Get the subscriber Ids...in the database.").
16. **Claims 6 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw in view of Venkatraman et al. (US 5,956,487) (hereinafter Venkatraman).
17. As for claims 6 and 16, Gaw does not specifically disclose that the user interface may comprise web-based multimedia components. Venkatraman teaches the use of web-based multimedia in a user interface for device communication (col. 3, lines 33-42, "The web server 14...and HTML protocols."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gaw by using web-based multimedia in a user interface because this provide enhanced display and control options, as taught by Venkatraman.

### ***Response to Arguments***

18. Applicant's arguments filed 8/25/04 have been fully considered but they are not persuasive.
19. As for claims 1, 2, 5, 7, 9-12, 15 and 18, Applicant asserts on pg. 8 that the applets and the web pages of Gaw are not served to the client workstation by the server. The Examiner

respectfully disagrees. It is abundantly clear from the discussion in Gaw that Gaw anticipates downloading the applets and web pages to the client workstation. For example, the Examiner notes col. 3, lines 22-24, which recite, "The encapsulated nature of OOP allows OOP applications existing on a Web server to be ***downloaded to Web clients*** having varying types of machines and operating systems (emphasis added)." It is further clear from the discussion that Gaw is specifically referring to downloading the applets. Indeed, the entire purpose of Gaw is to allow remote access and control of devices over a network, which includes the Internet (or World Wide Web). In order to affect this remote access, a client downloads the application-independent interface over the Internet. See col. 4, lines 9-13. With respect to pg. 4, lines 31-32, cited by Applicant, here Gaw refers to the fact that the JAVA applets run on the client (rather than running on the server and pushing the results to the client), where it is understood that this step occurs *after* downloading the applet to the client.

The Examiner further notes that the step of "downloading" is not positively recited by the claims. Rather, the claims merely recite that the user interface is "downloadable." Java applets and web pages are both downloadable, as understood by one of ordinary skill in the art.

Applicant further asserts on pg. 8 that Gaw does not teach an HTTP web server. To the contrary, Gaw explicitly discloses that the web server must comprise an HTTP server for communications over the Internet (or Web), as would be immediately understood by one of ordinary skill in the art. See col. 3, lines 9-12.

On page 9, Applicant asserts that Gaw fails to disclose a gateway and a gateway communications module. The Examiner respectfully disagrees. Specifically, the Examiner interprets that the gateway is the Control Data Interface 46, Fig. 2, and the gateway communications module is the GCP/Control Data Translation 44, Fig. 2. These elements properly anticipate the claim limitations, as further detailed in the description in previously cited pg. 10, lines 2-31, of Gaw. The Examiner notes the previously cited definitions of "gateway," which include software residing on a server.

For all the reasons above, claims 1, 2, 5, 7, 9-12, 15 and 18 are properly rejected under 35 U.S.C. 102(b) as being anticipated by Gaw.

20. Claims 3, 4, 6, 8, 13, 14, 16 and 17 are properly rejected under 35 USC 103(a) for the same reasons cited above with respect to Gaw.

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



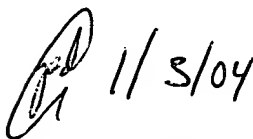
Art Unit: 2154


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Aaron Perez-Daple

  
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